

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 UNITED STATES OF AMERICA, )  
11 Plaintiff, ) CASE NO. CR06-176-FDB  
12 v. )  
13 BIRGIS BROOKS, ) DETENTION REVIEW ORDER  
14 Defendant. )

**Offenses charged:**

Count 1: Conspiracy to Import Marijuana, in violation of Title 21, U.S.C., Sections 952, 960(a)(1), 960(b)(2)(G), and 963;

Count 2 Conspiracy to Distribute Marijuana, in violation of Title 21, U.S.C., Sections 841(a)(1), 841(b)(1)(B), and 846;

Count 3-4 Possession of Marijuana with Intent to Distribute, in violation of Title 21, U.S.C., Sections 841(a)(1), 841(b)(1)(B), and Title 18, U.S.C., Section 2.

Date of Detention Hearing: October 17, 2007

The Court, having conducted a contested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for

1 detention hereafter set forth, finds that no condition or combination of conditions which  
2 the defendant can meet will reasonably assure the appearance of the defendant as  
3 required and the safety of any other person and the community. The Government was  
4 represented by Ron Friedman. The defendant was represented by Robert Goldsmith.

5 The Court held an arraignment and detention hearing on October 5, 2007, to  
6 which the defendant did not contest detention and was ordered detained, and the Court  
7 granted leave to reopen the issue. At today's hearing, the Defendant contested detention  
8 and, submitted reasons for his release. The detention order is hereby amended to address  
9 the reasons for detention rather than release.

10 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

11 The defendant argued that with lifetime ties to Washington, he was not a flight  
12 risk. However, as the Government propounded, the defendant's whereabouts was  
13 unknown for two years. He was found in Connecticut having appeared to have  
14 established a residence there, even though he was aware of the federal investigation.  
15 The defendant's residence was searched in his presence pursuant to a search warrant  
16 before he left Washington jurisdiction. The active investigation in Washington included  
17 law enforcement surveillance from which the Government has argued that his role  
18 cannot be seen as minimal or incidental. Therefore, in the Court's view, not enough  
19 information was submitted to overcome presumption.

20 **It is therefore ORDERED:**

- 21 (1) The defendant shall be detained pending trial and committed to the  
22 custody of the Attorney General for confinement in a correction facility  
23 separate, to the extent practicable, from persons awaiting or serving  
24 sentences or being held in custody pending appeal;
- 25 (2) The defendant shall be afforded reasonable opportunity for private  
26 consultation with counsel;

- 1                     (3) On order of a court of the United States or on request of an attorney for  
2                     the Government, the person in charge of the corrections facility in which  
3                     the defendant is confined shall deliver the defendant to a United States  
4                     Marshal for the purpose of an appearance in connection with a court  
5                     proceeding; and  
6                     (4) The clerk shall direct copies of this order to counsel for the United  
7                     States, to counsel for the defendant, to the United States Marshal, and to  
8                     the United States Pretrial Services Officer.

9                     DATED this 18<sup>th</sup> day of October, 2007.

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13                     MONICA J. BENTON  
14                     United States Magistrate Judge  
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